



UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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107143412 6/7/2007 GENE

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6491/0410

<input type="checkbox"/>	EXAMINER
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MM91/U410

EXAMINER	RECEIVED
	ART UNIT PAPER NUMBER

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN NJ 08830

2823

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)	
	09/363,523	JAMMY ET AL.	

Examiner	Art Unit	
Michelle Estrada	2823	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2001.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-8, 10-16 and 21-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-8, 10-16 and 21-28 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- | | |
|--|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 5, it appears that --at-- should be inserted after "prebake".

In claims 1 and 10 the use of "predetermined" reads on a nebulous mental step conducted prior to the manipulative steps of the claimed invention, hence rendering the present process claims unclear in meaning and scope. If applicant wishes to patent detailed controls over the recited process, they must be positively recited.

Claims 1-8 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Thakur et al. and Schachameyer et al. and further in view of Ho et al.

The rejection is maintained as stated in the office action mailed 10/12/00.

Thakur et al. discloses removing a native oxide from the exposed surface of the substrate (Col. 4, lines 24-34).

Applicant argues that neither Thakur et al. nor Schachameyer et al. disclose a crystalline silicon nitride layer. However, Thakur et al. disclose a silicon nitride 20 grown by a RTN in an ammonia ambient at a range of 850 °C to 1150 °C for 10 to 60

seconds. Furthermore, Ho et al. disclose that an electron diffraction analysis of silicon nitride samples annealed at 1050 °C and 1100 °C were found to be crystalline structures (Col. 2, line 60-Col. 3, line 15). The temperature range of Ho et al. overlaps with the range of Thakur et al.

Applicant argues that Schachameyer et al. are not directed to form crystalline silicon nitride. However, the reference was not relied on with that purpose.

With respect to claims 21-28, the choice of particular nitrogen pressure, hydrogen gas temperature, hydrogen gas pressure, ammonia temperature and ammonia pressure would have been a matter of routine optimization. See MPEP 2144.05.

Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Thakur et al. and Schachameyer et al. and further in view of Ho et al. as applied to claims 1-8 above, and further in view of Wolf, Vol. 2.

The rejection is maintained as stated in the office action mailed 10/12/00.

Applicant argues that Wolf does not teach making a capacitor in a trench. However, applicant admits that silicon nitride node dielectric layers are taught in the art on page 9 of the amendment filed 01/22/01. Wolf clearly point out that trenches serve as storage capacitor structure in DRAMS.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2823

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Estrada whose telephone number is 703-308-0729. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on 703-308-4918. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 (7724, 3431 and 3432) for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.


George Fourson
Primary Examiner
2823